IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

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CWP No. 1683 OF 2007.
Date of decision: February 01, 2007.

Pritam Singh Versus State of Haryana and others.

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Coram: Hon'ble Mr. Justice Ashutosh Mohunta; and
Hon'ble Mr. Justice R.S.Madan, JJ.

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Present: Shri Durgesh Aggarwal, Advocate, for the petitioner.

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R.S.Madan, J (Oral)

The petitioner through the instant writ petition has challenged the order, Annexure P-5, vide which he was compulsory retired from service on account of adverse remarks recorded in the Annual Confidential Reports, Annexure P-1 and P-2, which are reproduced as under:-

April 2000 to December, 2000.

Reliability Average
4/02 to 3/03

Integrity : Doubtful.

Reliability : Not reliable.

You C-1 Constable Pritam Singh No.- 854/KTL are hereby being informed about the said averse remarks and instructed to remove the above said defects.

<u>From April 4/2000 to 12/2000</u>

Reliability : Average
From 4/02 to 3/03

Inte4grity : Doubtful.

Reliability : Not reliable.

The petitioner was issued a show cause notice on September 07, 2005 after keeping in view the A.C.Rs to show cause as to why he

should not be compulsorily retired from service. In response to the show cause notice, the petitioner furnished his reply Annexure P-4, to the effect that he has already filed revision petition before the Home Secretary, Haryana, Annexure P-2, for expungement of his adverse remarks. After taking into consideration, the record of the petitioner, for the purpose of compulsory retirement, it was found that following adverse entries, besides the one which was conveyed through, Annexure P-1, were recorded in the A.C.Rs of the petitioner, during his service tenure :-

> 1. He was awarded punishment of stoppage of two annual increments W.T.D. vide order No. 52/ST/DE dated 16,.11.2000 as result of DE conducted for not giving information with regard to dacoity in the house of Mansa Ram, resident of Balbera while posted in P.S.Cheema.
>
> 2. He was awarded punishment of stoppage of one annual increment W.T.E. Vide order No. 22/ST/DE dated 4.7.2000 as a result of DE for showing dereliction in duty while posted in P.S.Dhand.
>
> 3. A criminal case FIR No. 90 dated 4.7.2002 under Sections 223/232/324 IPC, P.S.Guhla is also pending against him".

The case of the petitioner is that he has been conveyed the adverse remarks, at a belated; stage and that too without giving him an opportunity of hearing. Reliance was placed upon a judgment of this Court rendered in Tara Chand Versus Director General of Police, Haryana, 1992 (3) SCT 30 to contend that the adverse entries in the ACRs of the petitioner were intimated to him at a belated stage and he was not given any opportunity to represent, against the adverse entries. The case law relied upon by the counsel for the petitioner is not applicable to the facts of the present case. It is not a case where the adverse remarks were not conveyed to the petitioner rather it is a case where the petitioner was afforded full opportunity of hearing and the adverse remarks recorded in the A.C.Rs were not altered and continued to exist in the A.C.Rs.

Further it was on 7.9.2005 that a show cause notice was

issued to the petitioner as to why he should not be compulsorily retired from service, to which he furnished his reply, which was considered by the Director General of Police, Haryana and after going through the complete service record of the petitioner, the impugned order of compulsory retirement from service was passed.

In view of the above, we do not find any infirmity in the impugned order Annexure P-5. The petitioner being member of the disciplined force, was under an obligation to maintain unimpeachable integrity but he failed to do so.

The writ petition being devoid of merit, is hereby dismissed.

(R.S.Madan)
Judge

(Ashutosh Mohunta)
Judge

February01, 2007.
Malik